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F I L E D  
Clerk  
District Court

JUL 2 2008

For The Northern Mariana Islands  
By \_\_\_\_\_  
(Deputy Clerk)

7 Attorneys for the United States of America

8  
9 UNITED STATES DISTRICT COURT

10 FOR THE NORTHERN MARIANA ISLANDS

11 UNITED STATES OF AMERICA,	Civil Case No. CV08-0015
12 Plaintiff,	
13 vs.	(PROPOSED) CASE MANAGEMENT PLAN
14 SABLAN CONSTRUCTION COMPANY, LTD. and SABLAN ENTERPRISES, INC.,	
15 Defendants.	

17 Pursuant to Federal Rules of Civil Procedure 16 and Local Rule 16.2CJ, the parties  
18 hereby submit the following Case Management and Discovery Plan:

19 A. Nature of the Case: Plaintiff, United States of America, acting on behalf of  
20 Occupational Safety and Health Administration (OSHA), U.S. Department of Labor, pursuant to  
21 a referral by the U.S. Department of Treasury, alleges that Defendants violated numerous  
22 sections of the OSHA Act and OSHA Regulations, and is attempting to collect delinquent debts

1 arising from numerous Civil Money Penalties imposed by OSHA on Defendants.

2 **B. Service of process on parties not yet served:** All parties have been served.

3 **C. Track Assignment:** This case will be assigned to the Standard Track per the Court's  
4 recommendation.

5 **D. Anticipated Motions:**

6 1. The anticipated discovery motions are: **None are anticipated at this time.**

7 All discovery motions shall be filed on or before **November 5, 2008.**

8 2. The anticipated dispositive motions are: **Unknown at this time.**

9 All dispositive motions shall be filed on or before **December 10, 2008.**

10 3. Last day to file Motion(s) to Amend: **August 29, 2008.**

11 4. Last day to file Motion to Add Parties: **August 29, 2008.**

12 **E. Joinder of Parties:** Last day to join parties is: **August 29, 2008.**

13 **F. Necessity of Special Procedures:** None.

14 **G. Discovery Plan:** The following is the description and schedule of all pretrial discovery  
15 each party intends to initiate prior to the close of discovery:

16 1. **Initial Disclosures:** The United States served its Initial Disclosures on July 8,  
17 2008. The Defendants' Initial Disclosures have not yet been served.

18 2. **Depositions:** Depositions are still to be scheduled.

19 3. **Written Discovery:** Each party may propound interrogatories and requests to  
20 produce and requests for admissions within the limits set by the Federal Rules of Civil  
21 Procedure. If either party determines that it needs to propound more discovery than  
22 permitted by the Rules, the parties will confer in good faith to accommodate reasonable

1 discovery requests prior to the filing of any motion relating to a discovery dispute.

2       4.     **Discovery Cutoff:** The discovery cutoff date (defined as the last date to file  
3 responses to discovery) shall be **January 8, 2009**.

4       5.     **Expert Discovery:**

5           a.     The disclosures of Plaintiff's expert testimony required under Federal  
6              Rule of Civil Procedure 26(a)(2) shall be made by **September 17, 2008**.

7           b.     The disclosures of Defendants' expert testimony required under Federal  
8              Rule of Civil Procedure 26(a)(2) shall be made by **October 15, 2008**.

9           c.     Any designation of rebuttal expert testimony under Rule 26(a)(2) shall be  
10              made no later than **October 29, 2008**.

11           d.     The depositions of experts may be scheduled at any time at least 20 days  
12              subsequent to the submission of rebuttal reports and the depositions of said  
13              experts shall be completed no later than **December 10, 2008**.

14       H.     **Settlement:** The prospects for settlement are being explored.

15       I.     **Settlement Conference:** The parties wish to submit this case to a settlement conference  
16              after adequate discovery has occurred.

17       J.     **Preliminary Pretrial Conference:** The preliminary pretrial conference shall be held on  
18              N/A.

19       K.     **Pretrial Filings:** The parties' pretrial materials, discovery materials, witness lists,  
20              exhibit lists, and designation of discovery responses shall be filed on or before **March 2, 2009**.

21       L.     **Pretrial Order:** The proposed pretrial order shall be filed on or before **March 2, 2009**.

22       M.     **Final Pretrial Conference:** The final pretrial conference shall be held on **MAR. 6 2009**

1       9:00 a.m.

2       N.     Trial: Trial shall commence at **March 16, 2009** at 9:00 a.m.

3       O.     Jury: This is a trial before the Court; no jury.

4       P.     Anticipated Trial Time: It is anticipated that it will take approximately 5-7 days to try  
5       this case.

6       Q.     Identity of Counsel:

7              Jessica F. Cruz - Assistant U.S. Attorney  
8              U.S. Attorney's Office  
9              Sirena Plaza, Suite 500  
10             108 Hernan Cortez Avenue  
11             Hagåtña, GU 96910  
12             *Attorneys for Plaintiff*

13             Perry B. Inos  
14             Law Offices of Perry B. Inos, LLC  
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16             Beach Road, Chalan Kanoa  
17             P.O. Box 502017  
18             Saipan, MP 96950  
19             *Attorneys for Defendant Sablan Enterprises, Inc.*

20             Brien Sers Nicholas  
21             Sers Nicholas Law Office  
22             Cabrera Center, First Floor  
23             Lower Gualo Rai, Beach Road  
24             P.O. Box 502876  
25             Saipan, MP 96950  
26             *Attorneys for Defendant Sablan Construction Co.*

27       WHEREFORE, the parties respectfully request this Court adopt this Case Management

28       Plan.

29       //

30       //

1 SO ORDERED:\_\_\_\_\_.

2  
3 HON. ALEX R. MUNSON  
4 District Court Judge

5 SO STIPULATED: this 14<sup>th</sup> day of July, 2008.

6 LAW OFFICES OF PERRY B. INOS, LLC

7  
8 /s/ Perry B. Inos  
9 PERRY B. INOS  
Attorneys for Defendant  
Sablan Enterprises, Inc.

10  
11 SO STIPULATED: this 14th day of July, 2008.

12 SERS NICHOLAS LAW OFFICE

13  
14 /s/ Brien Sers Nicholas  
15 BRIEN SERS NICHOLAS  
Attorneys for Defendant  
Sablan Construction Co.

16  
17 SO STIPULATED: this 14th day of July, 2008.

18 LEONARDO M. RAPADAS  
19 United States Attorney  
Districts of Guam and the NMI

20 By: /s/ Jessica F. Cruz  
21 JESSICA F. CRUZ  
22 Assistant U.S. Attorney  
Attorneys for Plaintiff